



FH

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA- 173820

PRELIMINARY RECITALS

On April 20, 2016, the above petitioner filed a hearing request under Wis. Stats., § 49.45, to challenge a decision by the Division of Health Care Access and Accountability regarding Medical Assistance. The hearing was held on May 31, 2016, via telephone in Milwaukee, Wisconsin.

The issue for determination is whether the agency properly modified the Petitioner's PA request for partial dentures.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services

[REDACTED] (written appearance)
Division of Health Care Access and
Accountability
PO Box 309
Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES #) is a resident of Milwaukee County.

2. On February 24, 2016, the Petitioner's provider submitted a PA request on behalf of the Petitioner requesting upper and lower partial dentures.
3. On April 8, 2016, the agency issued a notice to the Petitioner that it approved an upper partial denture for the Petitioner but denied a lower partial denture. The basis for the denial was an agency determination that the state of the Petitioner's remaining teeth was poor, the degree of bone loss in his mandible was significant and that there is a 6mm pocket depth on one of the Petitioner's anchor teeth for the lower partial. The agency issued a prognosis that the Petitioner would require a new upper partial prior to the end of 5 years.
4. Petitioner's 4 anterior teeth on the bottom are missing as of the date of the hearing.
5. Petitioner is a musician/singer/performer.
6. On April 20, 2018, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

Complete and partial dentures require prior authorization from the Wisconsin Medicaid program to be reimbursed. Wis. Admin. Code, § DHS 107.07(2)(a)3. Wisconsin Medicaid reimburses for partial dentures only for members with good oral health and hygiene, good periodontal health and a favorable prognosis where continuous deterioration of teeth and periodontal health is not expected. Forward Health Topics 2895 and 2896, Online Provider Handbook for Dental Services. Coverage of removable prosthodontic services is limited to one new full or partial denture per arc per five years unless unusual circumstances are documented with the PA request. Topic 2892, Online Provider Handbook for Dental Services.

Forward Health Topic #2895 states as follows:

A member qualifies for a partial denture if any of the following criteria are met:

- One or more anterior teeth are missing
- The member has less than two posterior teeth per quadrant in occlusion with the opposing quadrant
- The member has at least six missing teeth per arch, including third molars
- A combination of one or more anterior teeth are missing, and the member has less than two posterior teeth per quadrant in occlusion with the opposing quadrant
- The member requires replacement of anterior teeth for employment reasons.
- Medically necessary for nutritional reasons documented by a physician
- Unusual clinical situations where a partial is determined to be necessary based on a comprehensive review of the dental and medical histories.

The agency concluded that petitioner's remaining teeth, on which the partial denture would be supported, are likely to deteriorate and that he does not have sufficiently healthy teeth to anchor the partial denture. The Petitioner testified that he is missing more than six teeth, include his four anterior teeth on the bottom. He testified that it is particularly important for him to have his front teeth for employment purposes. Specifically, as a singer/performer it is important to have these teeth in order to perform well and for aesthetic purposes.

Based on the criteria in Topic #2895, I conclude the Petitioner is eligible to receive a lower partial denture.

Note to the Petitioner: The dental provider will not receive a copy of this decision. In order to receive reimbursement for services, the Petitioner must provide a copy of this decision to the dental provider who must submit a new PA request along with a copy of this decision to ForwardHealth.

CONCLUSIONS OF LAW

The Petitioner is eligible for a lower partial denture.

THEREFORE, it is

ORDERED

That Petitioner's dental provider is hereby authorized to provide the Petitioner with a lower partial denture and to submit its claim, along with a new prior authorization request and a copy of this Decision, to ForwardHealth for payment.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

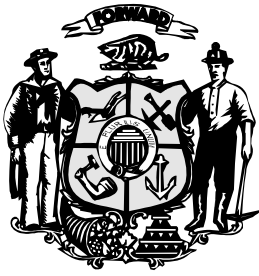
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 6th day of July, 2016

\s _____
Debra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on July 6, 2016.

Division of Health Care Access and Accountability